MONTANA LEGISLATIVE HISTORY

Chapter 203 19 99

Bill H 590 S _____ Original bill & history ✓ C

H. Committee on Bus & Labor			S. Committee on Bus & Industry		
Hearing Date(s) 1/28		C	Hearing Date(s) 3/15		C
		C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ___ Yes ✓ No

Committee _____ Report _____

CLARIFYING THE MANNER OF CONDUCTING A SALE OF SEIZED PERSONAL PROPERTY; AMENDING SECTIONS 15-16-119, 15-16-401, AND 15-17-911, MCA; AND PROVIDING AN APPLICABILITY DATE 652

198 *(Senate Bill No. 222; Doherty)* ELIMINATING CERTAIN STATUTES THAT CONFLICT WITH SUPREME COURT RULES GOVERNING ADMISSION TO THE BAR AND THE PRACTICE OF LAW; REPEALING SECTIONS 37-61-101, 37-61-202, 37-61-204, 37-61-205, 37-61-206, 37-61-208, AND 37-61-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 655

199 *(House Bill No. 196; Cobb)* ALLOWING THE ELECTRIC ENERGY PRODUCERS' LICENSE TAX TO BE ITEMIZED ON A CUSTOMER'S BILL; AMENDING SECTION 15-51-102, MCA; AND PROVIDING AN APPLICABILITY DATE 655

200 *(House Bill No. 201; Cobb)* AMENDING THE STATE COOPERATIVE PURCHASING LAWS TO INCLUDE PARTICIPATION BY A MONTANA TRIBAL PROCUREMENT UNIT; DEFINING "TRIBAL PROCUREMENT UNIT"; AMENDING SECTION 18-4-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 656

201 *(House Bill No. 205; Tash)* PROVIDING FOR WATER RIGHTS DELIVERY SYSTEM EASEMENTS IN PROPOSED SUBDIVISIONS; AND AMENDING SECTION 76-3-504, MCA 657

202 *(House Bill No. 353; Tash)* AUTHORIZING A COUNTY, CITY, OR TOWN THAT OWNS PROPERTY CONTAINING A HISTORICALLY SIGNIFICANT BUILDING OR MONUMENT TO SELL OR GIVE THE PROPERTY TO A NONPROFIT ORGANIZATION OR GROUP THAT AGREES TO RESTORE OR PRESERVE THE PROPERTY; AMENDING SECTIONS 7-8-2211, 7-8-2212, 7-8-2213, AND 7-8-4201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE 658

203 *(House Bill No. 390; Lawson)* PERMITTING THE BOARD OF PLUMBERS AND THE STATE ELECTRICAL BOARD TO RENEW A TEMPORARY PRACTICE PERMIT ON A CASE-BY-CASE BASIS; AND AMENDING SECTIONS 37-1-305, 37-68-311, AND 37-69-306, MCA . . 660

204 *(House Bill No. 418; Pavlovich)* CLARIFYING THE EXEMPTION FROM PROPERTY TAXES FOR BUILDINGS AND PERSONAL PROPERTY OF A SOCIETY OR ORGANIZATION OF HONORABLY DISCHARGED UNITED STATES MILITARY PERSONNEL; AMENDING SECTION 15-6-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE 661

205 *(House Bill No. 429; Shockley)* TEMPORARILY CLOSING SUBBASINS OF THE BITTERROOT RIVER BASIN TO FURTHER APPROPRIATIONS AND RESERVATIONS, EXCEPT FOR GROUND WATER, MUNICIPAL, AND EMERGENCY APPROPRIATIONS AND SOME SEASONAL STORAGE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE 662

206 *(House Bill No. 509; Gutsche)* CODIFYING THE PROCEDURE USED FOR SELECTING A STUDENT MEMBER FOR THE BOARD OF REGENTS; AND AMENDING SECTION 2-15-1508, MCA 663

207 *(House Bill No. 227; Molnar)* PROVIDING THAT A CORPORATION SUING OR DEFENDING A SUIT ON A DEBT MAY BE REPRESENTED IN A CITY, MUNICIPAL, JUSTICE'S, OR SMALL CLAIMS COURT BY A CORPORATE DIRECTOR OR OFFICER; AND AMENDING SECTION 25-35-505, MCA 664

3/29	2nd Reading Passed as Amended	85	14
3/30	3rd Reading Passed	82	18
	Transmitted to Senate		
3/30	Referred to Finance and Claims		
3/30	Revised Fiscal Note Requested		
4/07	Revised Fiscal Note Received		
4/08	Hearing		
4/09	Revised Fiscal Note Signed		
4/09	Committee Executive Action--Bill Concurred as Amended	14	4
4/09	Committee Report--Bill Concurred as Amended		
4/10	Revised Fiscal Note Printed		
4/10	2nd Reading Concurred	48	2
4/12	3rd Reading Concurred	44	6
	Returned to House with Amendments		
4/15	2nd Reading Senate Amendments Concurred	86	9
4/16	3rd Reading Passed as Amended by Senate	83	15
4/16	Sent to Enrolling		
4/17	Returned from Enrolling		
4/20	Signed by Speaker		
4/20	Signed by President		
4/20	Transmitted to Governor		
4/27	Signed by Governor		
4/29	Chapter Number Assigned		
	Chapter Number 475		
	Effective Date: 7/01/1999 - All Sections		

HB 390 Introduced by Lawson *LC0390 Drafter: Maly*

Permit the Board of Plumbers and the State Electrical Board to Renew a Temporary Practice Permit on a Case-by-case Basis;...

1/26	Introduced and 1st Reading		
1/26	Referred to Business and Labor		
1/29	Hearing		
1/29	Committee Executive Action--Bill Passed as Amended	16	2
1/30	Committee Report--Bill Passed as Amended		
2/02	2nd Reading Passed	96	1
2/03	3rd Reading Passed	99	1
	Transmitted to Senate		
2/04	Referred to Business and Industry		
3/19	Hearing		
3/19	Committee Executive Action--Bill Concurred	7	0
3/19	Committee Report--Bill Concurred		
3/20	2nd Reading Concurred	38	0
3/22	3rd Reading Concurred	48	1
	Returned to House		
3/23	Sent to Enrolling		
3/23	Returned from Enrolling		
3/24	Signed by Speaker		
3/24	Signed by President		
3/25	Transmitted to Governor		
3/29	Signed by Governor		

HOUSE BILL NO. 390

INTRODUCED BY Bob Lawson
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A BOARD TO RENEW A TEMPORARY PRACTICE PERMIT ON A CASE-BY-CASE BASIS; AND AMENDING SECTION 37-1-305, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-1-305, MCA, is amended to read:

"**37-1-305. Temporary practice permits.** (1) A board may issue a temporary practice permit to a person licensed in another state that has licensing standards substantially equivalent to those of this state if the board determines that there is no reason to deny the license under the laws of this state governing the profession or occupation. The person may practice under the permit until a license is granted or until a notice of proposal to deny a license is issued. The permit may not be issued until the board receives verification from the state or states in which the person is licensed that the person is currently licensed and is not subject to pending charges or final disciplinary action for unprofessional conduct or impairment.

(2) A board may issue a temporary practice permit to a person seeking licensure in this state who has met all licensure requirements other than passage of the licensing examination. ~~The~~ Except as provided in subsection (3), a permit is valid until the person either fails the first license examination for which the person is eligible following issuance of the permit or passes the examination and is granted a license.

(3) A board may, on a case-by-case basis at the board's discretion and in accordance with criteria determined by the board, renew a temporary practice permit for a person who fails the first license examination for which the person is eligible but who submits a temporary practice permit renewal application to the board stating that the person intends to retake the license examination on the next available date."

- END -

Legislative Services Division

INTRODUCED BILL
HB 390

HOUSE

BUSINESS AND LABOR

CHAIR: Simon, Bruce

VICE CHAIR: Pavlovich, Bob
Sliter, Paul

MEMBERS:

Barnett, Joe	Bitney, Rod
Bookout-Reinicke, Sylvia	Brown, Roy
Ewer, David	Juneau, Carol
Krenzler, Billie	Lawson, Bob
Masolo, Gay Ann	Matthews, Gary
McKenney, Joe	Squires, Carolyn
Stovall, Jay	Trexler, Cliff
Tuss, Carley	

SECRETARY: O'Reilly, Pati

LEGISLATIVE STAFF: Maly, Stephen

HB 364 SPONSOR: Lindeen, Monica SHORT TITLE: Pay travel costs to medical treatment for injured worker
REFERRED ON: 01/23/1999 HEARD ON: 01/27/1999
TABLED ON: 03/25/1999
FINAL DISPOSITION 03/31/1999 (H) Missed Deadline for Revenue Bill Transmittal

HB 367 SPONSOR: Barnhart, Beverly SHORT TITLE: Revise laws relating to food establishments
REFERRED ON: 01/23/1999 HEARD ON: 01/28/1999
TABLED ON: 02/05/1999
FINAL DISPOSITION 03/01/1999 (H) Missed Deadline for General Bill Transmittal

HB 368 SPONSOR: Barnhart, Beverly SHORT TITLE: Submit medium risk food manufacturing establishment fee to electorate
REFERRED ON: 01/23/1999 HEARD ON: 01/29/1999
TABLED ON: 02/05/1999
FINAL DISPOSITION 03/31/1999 (H) Missed Deadline for Revenue Bill Transmittal

HB 369 SPONSOR: Barnhart, Beverly SHORT TITLE: Submit high risk food manufacturing establishment fee to electorate
REFERRED ON: 01/23/1999 HEARD ON: 01/28/1999
TABLED ON: 02/05/1999
FINAL DISPOSITION 03/31/1999 (H) Missed Deadline for Revenue Bill Transmittal

HB 370 SPONSOR: Barnhart, Beverly SHORT TITLE: Submit high risk food service establishment license fee to electorate
REFERRED ON: 01/23/1999 HEARD ON: 01/28/1999
TABLED ON: 02/05/1999
FINAL DISPOSITION 03/31/1999 (H) Missed Deadline for Revenue Bill Transmittal

HB 381 SPONSOR: Molnar, Brad SHORT TITLE: Repeal contractor registration
REFERRED ON: 01/25/1999 HEARD ON: 02/03/1999
TABLED ON: 02/09/1999
FINAL DISPOSITION 03/31/1999 (H) Missed Deadline for Revenue Bill Transmittal

HB 390 SPONSOR: Lawson, Bob SHORT TITLE: Permit Board of Plumbers and SEB to renew temporary practice permit
REFERRED ON: 01/26/1999 HEARD ON: 01/29/1999
EXECUTIVE ACTION: 01/29/1999 Bill Passed as Amended -- VOTE: 16 - 2
FINAL DISPOSITION 03/30/1999 Chapter Number Assigned

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN BRUCE SIMON**, on January 29, 1999 at 8:00 A.M., in Room 104 Capitol.

ROLL CALL

Members Present:

Rep. Bruce Simon, Chairman (R)
Rep. Bob Pavlovich, Vice Chairman (D)
Rep. Paul Sliter, Vice Chairman (R)
Rep. Joe Barnett (R)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Roy Brown (R)
Rep. David Ewer (D)
Rep. Carol C. Juneau (D)
Rep. Billie Krenzler (D)
Rep. Bob Lawson (R)
Rep. Gay Ann Masolo (R)
Rep. Gary Matthews (D)
Rep. Joe McKenney (R)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Cliff Trexler (R)

Members Excused: Rep. Carley Tuss (D)

Members Absent: None.

Staff Present: Stephen Maly, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 260 AND HB 390 (1/26/99; HB 394 AND HB 396 (1/27/99)
Executive Action: HB 337, HB 390, HB 394

Questions from Committee Members and Responses:
Committee questions proponents.
{Tape : 1; Side : B; Approx. Time Counter : 36 - 500}
{Tape : 2; Side : A; Approx. Time Counter : 0 - 151}

Closing by Sponsor: Rep. Mood closed HB 260.
{Tape : 2; Side : A; Approx. Time Counter : 151 - 198}

HEARING ON HB 394

Opening Statement by Sponsor: Rep. Ahner HD 51 introduces HB 394.
{Tape : 2; Side : A; Approx. Time Counter : 198 - 238}

Proponents' Testimony: None

Opponents' Testimony:
Gary Willis, Montana Power Co.
{Tape : 2; Side : A; Approx. Time Counter : 238 - 294}

Jim Brown, Division Administrator for MT Building Codes Division of Dept. of Commerce.
{Tape : 2; Side : A; Approx. Time Counter : 294 - 459}

Questions from Committee Members and Responses:
Rep. Krenzler questions Jim Brown.
{Tape : 2; Side : A; Approx. Time Counter : 459 - 489}

Closing by Sponsor: Rep. Ahner closed HB 394.
{Tape : 2; Side : A; Approx. Time Counter : 489 - 500}

HEARING ON HB 390

Opening Statement by Sponsor: Rep. Lawson HD 80 introduced HB 390.
{Tape : 2; Side : B; Approx. Time Counter : 0 - 51}

Proponents' Testimony:
Steve Meloy, Director of Professional and Occupational Licensing, MT Dept. of Commerce **EXHIBIT(4)**
{Tape : 2; Side : B; Approx. Time Counter : 51 - 116}

Opponents' Testimony: None

Questions from Committee Members and Responses:
Rep. Pavlovich questions Steve Meloy.
Rep. Simon questions Meloy and Lawson
{Tape : 2; Side : B; Approx. Time Counter : 116 - 138}

Closing by Sponsor: Rep. Lawson closed HB 390
{Tape : 2; Side : B; Approx. Time Counter : 138 - 163}

HEARING ON HB 396

Opening Statement by Sponsor: Rep. Masolo HD 40 introduced HB 396.
{Tape : 2; Side : B; Approx. Time Counter : 163 - 246}

Proponents' Testimony:
Senator Mahlum SD 35, Missoula, MT
{Tape : 2; Side : B; Approx. Time Counter : 246 - 281}

Rep. Pavlovich, HD 37, Butte, MT
{Tape : 2; Side : B; Approx. Time Counter : 281 - 296}

Steve Pilcher, Lewis and Clark County Fairgrounds Director
{Tape : 2; Side : B; Approx. Time Counter : 296 - 313}

Opponents' Testimony:
Rep. David Ewer, HD 53.
{Tape : 2; Side : B; Approx. Time Counter : 313 - 369}

Al Smith, Montana Trial Lawyers
{Tape : 2; Side : B; Approx. Time Counter : 369 - 500}
{Tape : 3; Side : A; Approx. Time Counter : 0 - 21}

Questions from Committee Members and Responses:
Rep. Trexler, Stovall, Bitney, Bookout and Sliter questions Rep. Masolo.
{Tape : 3; Side : A; Approx. Time Counter : 21 - 102}

Closing by Sponsor: Rep. Masolo closed on HB 396.
{Tape : 3; Side : A; Approx. Time Counter : 102 - 140}

EXECUTIVE ACTION ON HB 337

Motion: REP. SLITER moved that HB 337 DO PASS.
{Tape : 3; Side : A; Approx. Time Counter : 140 - 178}

Motion/Vote: REP. SLITER moved that HB 337 BE AMENDED. Motion carried unanimously. EXHIBIT(5) EXHIBIT(6)
{Tape : 3; Side : A; Approx. Time Counter : 178 - 282}

Motion/Vote: REP. MATTHEWS moved that HB 337 BE AMENDED. Motion carried unanimously.EXHIBIT(7)
{Tape : 3; Side : A; Approx. Time Counter : 282 - 380}

Motion/Vote: REP. SLITER moved that HB 337 DO PASS AS AMENDED. Motion carried unanimously.
{Tape : 3; Side : A; Approx. Time Counter : 380 - 398}

EXECUTIVE ACTION ON HB 394

Motion/Vote: REP. BROWN moved that HB 394 BE TABLED. Motion carried unanimously.
{Tape : 3; Side : A; Approx. Time Counter : 398 - 457}

EXECUTIVE ACTION ON HB 390

Motion: REP. LAWSON moved that HB 390 DO PASS.
{Tape : 3; Side : A; Approx. Time Counter : 457 - 500}

Motion/Vote: REP. LAWSON moved that HB 390 BE AMENDED. Motion carried unanimously.
{Tape : 3; Side : B; Approx. Time Counter : 0 - 34}

Motion/Vote: REP. LAWSON moved that HB 390 DO PASS AS AMENDED. Motion carried 16-2 with Trexler voting no.
{Tape : 3; Side : B; Approx. Time Counter : 34 - 38}

SENATE

BUSINESS AND INDUSTRY

CHAIR: Hertel, John **VICE CHAIR: Sprague, Mike**

MEMBERS:

Berry, Dale **Cocchiarella, Vicki**

McCarthy, Bea **Roush, Glenn**

Thomas, Fred

SECRETARY: Wells, Mary Gay

LEGISLATIVE STAFF: Campbell, Bart

HB 321 SPONSOR: Fuchs, Daniel SHORT TITLE: Revise inspection requirements for passenger elevators and escalators
REFERRED ON: 02/03/1999 HEARD ON: 03/26/1999
EXECUTIVE ACTION: 03/26/1999 Bill Concurred -- VOTE: 7 - 0
FINAL DISPOSITION 05/07/1999 Chapter Number Assigned

HB 322 SPONSOR: Fuchs, Daniel SHORT TITLE: Submit expansion of conveyances subject to fee to voters
REFERRED ON: 02/03/1999 HEARD ON: 03/26/1999
TABLED ON: 03/26/1999
FINAL DISPOSITION 04/22/1999 (S) Died in Standing Committee

HB 337 SPONSOR: Bergsagel, Ernest SHORT TITLE: Generally revise universal system benefits electric law
REFERRED ON: 02/04/1999 HEARD ON: 03/23/1999
EXECUTIVE ACTION: 03/25/1999 Bill Concurred as Amended -- VOTE: 7 - 0
FINAL DISPOSITION 05/10/1999 Chapter Number Assigned

HB 390 SPONSOR: Lawson, Bob SHORT TITLE: Permit Board of Plumbers and SEB to renew temporary practice permit
REFERRED ON: 02/04/1999 HEARD ON: 03/19/1999
EXECUTIVE ACTION: 03/19/1999 Bill Concurred -- VOTE: 7 - 0
FINAL DISPOSITION 03/30/1999 Chapter Number Assigned

HB 395 SPONSOR: Facey, Tom SHORT TITLE: Revise eligibility for unemployment insurance benefits for part time workers
REFERRED ON: 02/23/1999
FINAL DISPOSITION 04/22/1999 Chapter Number Assigned

HB 421 SPONSOR: Younkin, Cindy SHORT TITLE: Allow Commissioner to develop group benefits plans for U-system employees
REFERRED ON: 02/09/1999 HEARD ON: 03/23/1999
EXECUTIVE ACTION: 03/23/1999 Bill Concurred -- VOTE: 5 - 0
FINAL DISPOSITION 04/07/1999 Chapter Number Assigned

HB 437 SPONSOR: Kasten, Betty Lou SHORT TITLE: Clarify info telephone co may release to emergency communication systempersonnel
BY REQUEST OF: (H) Joint Approp Subcommittee On Human Services And Aging
REFERRED ON: 02/22/1999 HEARD ON: 03/26/1999
EXECUTIVE ACTION: 03/26/1999 Bill Concurred -- VOTE: 7 - 0
FINAL DISPOSITION 04/06/1999 Chapter Number Assigned

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND INDUSTRY

Call to Order: By **CHAIRMAN JOHN HERTEL**, on March 19, 1999 at 8:00 A.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. John Hertel, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Dale Berry (R)
Sen. Vicki Cocchiarella (D)
Sen. Bea McCarthy (D)
Sen. Glenn Roush (D)
Sen. Fred Thomas (R)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:	HB 250, 3/10/1999
	HB 390, 3/10/1999
Executive Action:	HB 250; HB 390
	HB 201; HB 264

{Tape : 1; Side : A; Approx. Time Counter : 0}

HEARING ON HB 390

Sponsor: **REP. BOB LAWSON, HD 80, WHITEFISH**

Proponents: **Steve Meloy, Administrator, Division of Professional & Occupational Licensing, Department of Commerce.**

Opponents: **None**

Opening Statement by Sponsor:

REP. BOB LAWSON, HD 80, WHITEFISH. This bill was started because of a former student who had an Idaho journeyman's license from July of 1998. He moved to Montana. He had a job in Great Falls. He took the test on Sept. 12, 1998 and failed the test. The next test was Dec. 12, 1998. His options were not to work in his trade or cheat and work without a license. He called and said I couldn't help him out but maybe for others in the future. This bill gives the Boards of Plumbers and Electricians the discretion to renew a temporary practice permit for a person who fails the first license examination. Since this test is given only four times a year, my goal is to keep those folks working till the next available test. Look on page 1, lines 24 through 28 and you see striken language. I got carried away and realized my error. I then narrowed my bill to address only plumbers and electricians. In addition to a temporary permit, the person must be planning on taking the next available test.

Proponents' Testimony:

Steve Meloy, Administrator, Division of Professional & Occupational Licensing, Department of Commerce. I support this bill because it solves a great dilemma for us. The temporary permit language prohibits a doctor who passes his educational prerequisites, gets his degrees but fails the examination. We issue him a temporary permit until he takes the exam again. If he fails the exam again, the temporary permit expires. But with the building trades, specifically plumbing and electricity, it causes a hardship that isn't necessarily protecting public health and safety. Most of these individuals have already been practicing for five years for their journeyman's license. Usually they fail by one or two points. Our examination is written by the Board and is geared toward commercial building. Someone from out of state may have been working for twenty years

on industrial wiring or plumbing. So if they miss by a few points, they can't work either. It is hard for us to tell them they can't work. We recommend you give favorable consideration to this bill. Thank you.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. MCCARTHY asked **REP. LARSON** how often a person would be able to fail the exam and keep working. **REP. LARSON** said his intention was just one time. In the story of the man from Idaho, the test in Boise is given four days a week. In the rest of Idaho the test is given once a month. In Montana, the test is given four times a year.

Closing by Sponsor:

REP. LARSON closed. Thank you for a good hearing . **SEN. BERRY** will carry the bill on the Senate Floor.

{Tape : 1; Side : A; Approx. Time Counter : 27}

EXECUTIVE ACTION ON HB 390

Motion/Vote: **SEN. BERRY moved that HB 390 BE CONCURRED IN. Motion carried unanimously. 7-0**

SEN. BERRY will carry the bill on the Senate Floor.

EXECUTIVE ACTION ON HB 250

Motion: **SEN. COCCHIARELLA moved that HB 250 BE CONCURRED IN.**

Discussion: **SEN. SPRAGUE** said that the committee would not get a fiscal note on this bill because it is a county expense. A county expense is a taxpayer expense. He feels that the legislature has done enough to circumvent the taxpayers. The counties are going to say the legislature gave them an unfunded mandate. They will tell the voters that the legislature made